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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

LA ALLIANCE FOR HUMAN  
RIGHTS, et al.

Plaintiffs,

vs.

CITY OF LOS ANGELES, et al.,

## Defendants.

) Case No.: 20-CV-02291-DOC-KES  
)  
) **PROPOSED AMICUS CURAE EX  
PARTE APPLICATION FOR LEAVE  
TO PARTICIPATE IN CASE AND  
APPEAR AT MARCH 26, 2020  
CONFERENCE**  
)  
)  
) Date:  
) Time:  
) Crtm: 1 (1<sup>st</sup> Street Federal Courthouse)

Hon. David O. Carter  
Courtroom 1

Complaint Filed: March 10, 2020

TO ALL ATTORNEYS OF RECORD, pursuant to Local Rule 7-19,  
Proposed Amicus Curiae Venice Stakeholders Association (“VSA”) files this ex  
parte application to allow VSA to participate in this action, participate in the March  
26, 2020 status conference and submit the proposed declaration of Mark Ryavec  
filed concurrently herewith.

PROPOSED AMICUS CURAE EX PARTE APPLICATION FOR LEAVE TO  
PARTICIPATE IN CASE AND APPEAR AT MARCH 26, 2020 CONFERENCE

Counsel for VSA advised counsel for plaintiffs, the City of Los Angeles and the County of Los Angeles by email on March 25, 2020 regarding this application. There is no indication of their positions to date regarding the ex parte application.

This ex parte application is based on the complaint, the Memorandum of Points and Authorities below, the argument of counsel, and such further evidence as the Court may consider regarding this Application.

Pursuant to Local Civil Rule 7-19, VSA provides the following information:

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6 DATED: March 25, 2020 **JEFF LEWIS LAW**

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## **TABLE OF CONTENTS**

TABLE OF CONTENTS .....	4
TABLE OF AUTHORITIES .....	5
MEMORANDUM OF POINTS AND AUTHORITIES .....	6
I.    Standard for Amicus Participation.....	6
II.   Interests of VSA .....	6
III.  Viewpoint of VSA on Solutions Proposed to House the Homeless During Corona Virus are Inadequate Because they do not Allow for Ample and Enforceable Self-Quarantine .....	7
IV.  Conclusion .....	10

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## **TABLE OF AUTHORITIES**

## Cases

<i>California by and through Becerra v. United States Department of the Interior</i> 381 F.Supp.3d 1153, 1164 (N.D. Cal. 2019) .....	6
<i>Citizens Against Casino Gambling in Erie Cty. v. Kempthorne</i> 471 F.Supp.2d 295, 311 (W.D.N.Y. 2007) .....	6
<i>Hoptowit v. Ray</i> 682 F.2d 1237, 1260 (9th Cir. 1982).....	6

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## **MEMORANDUM OF POINTS AND AUTHORITIES**

Proposed Amicus Curae Venice Stakeholders Association (“VSA”) files this ex parte application to allow VSA to participate in this action, participate in the March 26, 2020 status conference and submit the proposed Declaration by Mark Ryavec. Plaintiff filed this action on March 10, 2020.

## I. Standard for Amicus Participation

There are no strict prerequisites that must be established prior to qualifying for amicus status; an individual seeking to appear as amicus must merely make a showing that his participation is useful or otherwise desirable to the court. (Citation.); see *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982) (“The district court has “broad discretion” to permit amicus briefs.”). The scope of amicus briefs, however, should be limited to the issues raised by the parties. See *Citizens Against Casino Gambling in Erie Cty. v. Kempthorne*, 471 F.Supp.2d 295, 311 (W.D.N.Y. 2007) (“Amicus participation goes beyond its proper role if the submission is used to present wholly new issues not raised by the parties.”).

(*California by and through Becerra v. United States Department of the Interior*, 381 F.Supp.3d 1153, 1164 (N.D. Cal. 2019)).

## II. Interests of VSA

The VSA, founded in 2009, is a nonprofit organization dedicated to civic improvement. The VSA supports slow growth, the limits of the Venice Local Coastal Specific Plan, neighborhood safety, better traffic circulation, increased parking for residents, neighborhood beautification projects, historic preservation, habitat restoration and protection of coastal waters.

Representing residents in the Venice district of the City of Los Angeles, California, the VSA has grappled with the horrendous impact of the increase of the

1 homeless population in Venice from approximately 400 persons in 2014 to 1,100  
 2 persons now, as documented by the Los Angeles Homeless Services Authority's  
 3 annual homeless count.

4 The VSA provides research, education, advocacy and litigation support for  
 5 Venice Beach residents to ensure that their voices are heard. VSA is presently in  
 6 litigation against the City of Los Angeles, the California Coastal Commission and  
 7 the Los Angeles County Metropolitan Transportation Authority over the erection of  
 8 a 154-bed homeless shelter complex in violation of the California Environmental  
 9 Quality Act, *VSA v. City of Los Angeles*, Case No. 19STCP00044 and *VSA v. Los*  
 10 *Angeles County Metropolitan Transportation Authority*, Case No. 19STCP00629.<sup>1</sup>

11

12 **III. Viewpoint of VSA on Solutions Proposed to House the Homeless During**  
**Corona Virus are Inadequate Because they do not Allow for Ample and**  
**Enforceable Self-Quarantine**

13 The proposed declaration by VSA represents a viewpoint not presently  
 14 addressed by either plaintiff or defendant: the urgent need to order the city and  
 15 county of Los Angeles to focus all temporary housing for the homeless on  
 16 structures, buildings and tents that allow for ample and enforceable self-quarantine.

17 The City of Los Angeles is currently re-purposing city recreation centers for  
 18 use as temporary shelters for the homeless. While the concept of converting  
 19 recreation centers to shelters appears appropriate in this crisis, it is contraindicated  
 20 by the nature of the population itself.

21 At least 50%, and possibly a higher percentage, of the homeless population  
 22 simply lacks the required self-discipline to abide by any social distancing  
 23 protocols. Over 50% are either mentally ill, substance addicted and/or anti-

24

25

26

27 <sup>1</sup> Those cases are presently under discretionary writ review by the California Court  
 28 of Appeal, Second District, *Venice Stakeholders Association v. Superior Court of*  
*Los Angeles County*, Case Number B304424.

1 authoritarian, or just too young to accept the seriousness of the situation (as we saw  
 2 with partying students on the beach in Florida recently).

3 One has only to look at the pandemonium at Third and Rose in Venice on March  
 4 24th in the following video to see that social distancing is not being observed:

5 <https://veniceupdate.com/2020/03/25/25310/>

6 Also, the very nature of living on the streets for prolonged periods with  
 7 addiction, poor hygiene and sanitation, and lack of medical care, have rendered  
 8 many in this population immuno-compromised. A larger proportion than the  
 9 general population have underlying conditions, which puts them more at risk to  
 10 COVID-19: heart disease, hypertension and/or diabetes.

11 The result is that placing them in recreation centers on cots on six-foot  
 12 centers will assure that the virus will spread quickly among the homeless as well as  
 13 the caregivers who at this time are not expected to have the necessary personal  
 14 protective gear needed to prevent transmission. It also will put those over 60 and  
 15 the high percentage that are immuno-compromised or have underlying conditions at  
 16 greater risk than other options.<sup>2</sup>

17 Apparently, the County Sheriff understands the need to thin out jail  
 18 populations to slow the spread of the virus in jails, but Mayor Garcetti and  
 19 members of the City Council proceed in contradiction to the obvious, packing  
 20 homeless into recreation centers and Bridge Housing.

21 All the homeless, but especially those over 60 and/or those with underlying  
 22 conditions or immuno-compromised systems, should be given a priority in rooms in  
 23 motels, hotels, student dormitories or military-style tents to self-quarantine.

27 <sup>2</sup> This analysis applies equally to Bridge Housing facilities, which are large  
 28 communal living facilities, with no possibility to self-quarantine.



1                   At UCLA alone, a student housing blog reports<sup>3</sup> there are beds for over  
 2 10,000 students, many of which are empty due to the university's closure. There are  
 3 thousands of beds at other Los Angeles-area colleges and universities, such USC,  
 4 Loyola, Pepperdine, etc. These institutions are likely to be closed through the end  
 5 of August, possibly longer. Students remaining in campus housing may be moved  
 6 all together in one or two dormitories, freeing up other dormitory rooms for the  
 7 homeless during this crisis. Major institutions such as UCLA and USC have student  
 8 health centers which are not now seeing students, which could be moved into action  
 9 to serve the homeless. Either dormitory kitchens or local, under-utilized restaurants  
 10 could deliver daily meals. Campus security along with the LAPD could help  
 11 maintain social distancing.

12                   Similarly, military-style tents set up on 10-foot or even 20-foot centers on the  
 13 playing fields or parking lots of stadiums, such as the Rose Bowl and Coliseum,  
 14 with plenty of bathrooms and even showers in players dressing rooms, and food  
 15 concessions, would be preferable to recreation centers which have little bathroom  
 16 and shower capacity.

17                   Of course, the best solution would be the State's lease of thousands of now-  
 18 empty low-priced motel and hotel rooms to allow for self-quarantine, especially for  
 19 those with the virus or those over 60 and/or with underlying conditions.

20                   In light of all the information coming out of Korea, Taiwan, Singapore and  
 21 Hong Kong, widespread testing, tracing and self-quarantine for everyone is the only

---

23                   <sup>3</sup> From a UCLA blog on campus housing:

24                   *Ok, so first off, UCLA guarantees on-campus housing for three years, and we are  
 25 working on guaranteeing a fourth (at which time we will be the only UC to do so). About 10,000 students live on the Hill each year, which is more people than some  
 26 towns! Holy cow. Of the students living on the Hill, most are first-years. In fact,  
 over 95% of freshmen live on campus.*

27                   (See UCLA Bruin Blog entitled Dorms! Dated August 11, 2011 accessed at  
 28 <https://blog.admissions.ucla.edu/2011/08/11/dorms/> last accessed on March 25,  
 2020.)



1 path to slow the spread and contain the virus. This is not possible on sidewalks, in  
2 recreation centers (or even in Bridge Housing).

3

4 **IV. Conclusion**

5 Based on the foregoing, VSA respectfully requests that the Court grant the  
6 application, allow VSA to participate in this proceeding and allow the Declaration  
7 of Mark Ryavec be filed. VSA's president, Mark Ryavec, is available to personally  
8 or telephonically attend any proceedings at the invitation of the Court.

9

10 DATED: March 25, 2020

**JEFF LEWIS LAW**

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1 **PROOF OF SERVICE**  
2

3 *LA Alliance for Human Rights, et al. v. City of Los Angeles, et al.*  
4 U.S. Central District Court Case No. 20-CV-02291-DOC-KES  
5

6 I, Jason R. Ebbens, declare that I am over the age of 18 years, employed in  
7 the County of Los Angeles, and not a party to the within action; my business  
8 address is 609 Deep Valley Drive, Suite 200, Rolling Hills Estates, CA 90274.

9  
10 On **March 25, 2020**, I served the foregoing: **PROPOSED AMICUS**  
11 **CURAE EX PARTE APPLICATION FOR LEAVE TO PARTICIPATE IN**  
12 **CASE AND APPEAR AT MARCH 26, 2020 CONFERENCE** on the interested  
13 parties in this action by placing  the original  a true copy thereof, enclosed in a  
14 sealed envelope with postage pre-paid, addressed as follows:  
15

16 \* *See Attached Service List* \*  
17

18  BY ELECTRONIC MAIL. I personally transmitted to the person(s) named in  
19 the attached service list who has/have previously consented in writing to  
20 receive documents via electronic mail to the e-mail address(es) shown on the  
21 service list, delivered on the date listed below, originating from an electronic  
22 e-mail address affiliated with Jeff Lewis Law. A true and correct copy of the  
23 above-described document(s) was transmitted by electronic transmission  
24 through the Jeff Lewis Law mail server, which did not report any error in  
25 sending the transmission  
26  
27  (STATE) I declare under penalty of perjury under the laws of the State of  
28 California that the foregoing is true and correct.

19 Executed on **March 25, 2020**, in Rolling Hills Estates, California.  
20

21  
22 s/ Jason R. Ebbens  
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24 Jason R. Ebbens  
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5 **SERVICE LIST**  
67 Page 1 of 4  
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910 *LA Alliance for Human Rights, et al. v. City of Los Angeles, et al.*  
11 U.S. Central District Court Case No. 20-CV-02291-DOC-KES  
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1 **SERVICE LIST**

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3 *LA Alliance for Human Rights, et al. v. City of Los Angeles, et al.*  
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3 *LA Alliance for Human Rights, et al. v. City of Los Angeles, et al.*

4 U.S. Central District Court Case No. 20-CV-02291-DOC-KES

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1 **SERVICE LIST**

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3 *LA Alliance for Human Rights, et al. v. City of Los Angeles, et al.*  
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